SECTIONS.

41. Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

Recovery of cost of such works.

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

Local Boards may call for information in such cases.

42. Certain village-servants to be placed under command of Sanitary Committee or Board.

43. Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.

44. Collector's functions under this Act may be delegated.

45. Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

46. Indemnity of persons acting in good faith under this Act

SCHEDULE.

BOMBAY ACT No. 1 OF 1889.[1]

[*23rd May, 1890.*]

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent. **2.** It is applicable to the whole of the Presidency of Bombay, except the City of Bombay, Aden and its dependencies, Perim, and the scheduled district of the Mehwassi Chiefs' villages, as defined in the [2] Scheduled Districts Act, 1874. XIV of 1874.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1889, Part V, p. 9; for Report of Select Committee, *see ibid*, 1889, p. 34, and for proceedings in Council, *see ibid*, 1889, pp. 12 and 46.

[2] General Acts, Vol. II.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context—

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the [1]Bombay Land-revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanent municipal district or a military cantonment;

Bom. Act V of 1879.

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*) "chávdí" means, in any village in which there is no chávdí, such place as the Collector directs shall be deemed to be the chávdí for the purposes of this Act.

Operation of Parts II, III and IV.

5. (*1*) Part II shall come into force in any village to which the Collector extends [2] the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the [3][Commissioner] directs by [4] notification in the Bombay Government Gazette that it shall cease to have operation in such village, or extends Part III to such village.

(*2*) Part III shall come into force in any village to which the [3][Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the [3][Commissioner], and shall continue in force, when so extended, until the [3][Commissioner] directs by notification in the Bombay Government Gazette that it shall cease to have operation in such village.

(*3*) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of Government, the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

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[1] Vol. II of this Code.

[2] For list of villages to which Part II has been extended, *see* Appendix to this Vol.

[3] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915) Vol. V of this Code.

[4] For notification directing that the Act shall cease to be in operation in certain villages and tálukás, *see* Bombay Local Rules and Orders.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicuous places in his own office and in the office of the Mámlatdár and of the Mahálkarí within whose táluqá or mahal the said village is situate and in the chávadí or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

Part III how to be extended to a village.

7. (*1*) The [1][Commissioner] may at any time extend Part III to any village in any part of the Presidency to which this act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein.

(*2*) For the purpose of extending Part III to any such village, the [1][Commissioner] shall, by [2]notification in the Bombay Government Gazette direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to [3][the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[2] For notification extending Part III of the Act to certain villages and talukas, *see* Bombay Local Rules and Orders.

[3] These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

(3) If, after considering any objections which may have been made as aforesaid, [1][the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, [2][he may,] by notification in the Bombay Government Gazette, exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (3) and (4) of section 6.

(4) Translations in the language of the district of every notification issued by [1][the Commissioner] under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (2) of section 6 for the publication of a proclamation issued by himself.

PART II.

SANITARY COMMITTEES.

Each village to have a Sanitary Committee.

8. (1) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient.

(2) The chairman of the said Committee shall be nominated by the Collector.

(3) The chairman and other members of the Committee shall hold office for the prescribed period.

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

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[1] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. Act. 3 of 1915), Vol. V of this Code.

[2] These words were substituted for the words "it may" by *ibid.*